



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

BJG  
Docket No: 5731-99  
24 November 1999

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: CPL [REDACTED], USMCR, [REDACTED];  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 15 Jul 99 w/attachments  
(2) HQMC MMPR-2 memo dtd 26 Oct 99  
(3) HQMC MI memo dtd 19 Oct 99  
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by removing the "Administrative Remarks (1070)" service record page 11.b entry dated 22 March 1998, a copy of which is at Tab A to enclosure (1). Petitioner further requested promotion to sergeant, pay grade E-5. The Board did not consider his request for promotion, since he may pursue remedial promotion consideration through the Headquarters Marine Corps (HQMC) Enlisted Promotions Section, Promotion Branch (MMPR-2), as explained in enclosure (2).

2. The Board, consisting of Messrs. Cali and Kastner and Ms. Newman, reviewed Petitioner's allegations of error and injustice on 23 November 1999, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy regarding his request to remove the page 11.b entry.

b. In correspondence attached as enclosure (3), the HQMC office having cognizance over the subject matter of Petitioner's request to remove the page 11.b entry has commented to the effect that this request has merit and warrants favorable action.

**CONCLUSION:**

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (3), the Board finds the existence of an injustice warranting the following corrective action.

**RECOMMENDATION:**

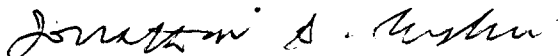
a. That Petitioner's record be corrected by removing the "Administrative Remarks (1070)" service record page 11.b entry dated 22 March 1998. This action is to be accomplished by physically removing or completely obliterating the page 11.b entry to be removed, so that it cannot be read, rather than merely lining through it.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.


c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
JONATHAN S. RUSKIN  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
For W. DEAN PFEIFFER  
Executive Director



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
MANPOWER AND RESERVE AFFAIRS DEPARTMENT  
HARRY LEE HALL, 17 LEJEUNE ROAD  
QUANTICO, VIRGINIA 22134-5104

5731-99  
IN REPLY REFER TO:  
1400/3  
MMPR-2  
26 Oct 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF CORPORAL [REDACTED]  
[REDACTED] 1/0311 USMCR

1. Corporal [REDACTED], a former member of the Selected Marine Corps Reserve (SMCR) has requested removal of an Administrative Remarks, page 11(b) entry dated 980322 and to have his service record book corrected to reflect promotion to sergeant for 1 April 1998 which he feels he was eligible for before his transfer to the Individual Ready Reserve (IRR).
2. A review of Corporal [REDACTED] service record indicates that he was serving in the SMCR from 21 January 1998 to 4 April 1998. He did not transfer to the IRR until 5 April 1998 which made him eligible for promotion to sergeant in the SMCR for 1 April 1998. The records reveal that Corporal Nevins met the cutting score (1730) for his Military Occupational Specialty (MOS) 0311 for promotion to sergeant for 1 April 1998. His composite score was 1745. However, a page 11 entry for the non-recommendation for promotion to sergeant was entered in his service records by his unit.
3. If the page 11 entry dated 980322 is removed from Corporal [REDACTED] service record it is recommended that he submit a request for remedial promotion consideration to sergeant for 1 April 1998. No further action can be taken by this Headquarters (MMPR-2) until the "non-recommendation for promotion" is officially removed from Corporal Nevins' service record book.

*Richard B. Fitzwater*

RICHARD B. FITZWATER  
Assistant Head, Enlisted Promotions  
Promotion Branch  
By direction of the  
Commandant of the Marine Corps



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

5731-99

IN REPLY REFER TO:

1070  
MI  
19 OCT 1999

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF CORPORAL [REDACTED]  
[REDACTED] USMCR

1. We reviewed Corporal [REDACTED] application concerning his request for removal of an Administrative Remarks page 11(b) entry dated 980322 and correct his record to reflect promotion to Sergeant.

2. MCO P1070.12H, Marine Corps Individual Records Administration Manual (IRAM), authorizes commanders to make Service Record Book entries on page 11 that are essential to document an event in a Marine's career for which no other means or method of recording exists elsewhere in the Service Record Book or the Marine's automated record, and which be useful to future commanders.

3. The following comments concerning Corporal [REDACTED] request for removal of the Administrative Remarks page 11(b) entry dated 980322 and correct his record to reflect promotion to Sergeant is provided:

a. The page 11 entry does not meet the elements of a proper adverse/derogatory entry to record "eligible but not recommended for promotion" in that Corporal [REDACTED] did not acknowledge the entry, was not provided with an opportunity to submit a written rebuttal, and the entry was not authenticated by either the commanding officer or his/her designated official.

b. Corporal [REDACTED] joined the Marine Corps Reserve on January 21, 1998 under a voluntary basis, and upon request, may transfer to the Individual Ready Reserve with no restrictions per MCO P1001R.1, par 2301.2a.

c. Corporal Nevins stated that he contacted his assigned reserve unit and notified them that he would not be able to continue in an active drill status prior to the March 21-22 drill period. (It is noted that a statement from David C. Harrison dated August 18, 1999 substantiates this claim.)

Subj: BCNR APPLICATION IN THE CASE OF CORPORAL [REDACTED]  
[REDACTED] USMCR

d. Corporal [REDACTED] unit had an opportunity to obtain an acknowledgment signature and afford him the opportunity to provide a rebuttal statement when he turned in his organizational/military issued gear prior to the promotion period of April 1, 1998.

e. Corporal Nevins' eligibility for promotion was based upon his participation in the Selected Marine Corps Reserve (SMCR), however, since he requested to terminate prior to the March 1998 drill period, his selection to Sergeant for April 1, 1998 may not be valid.

5. In view of the above, it is recommended that:

a. The Commanding General, Marine Corps Reserve Support Command provide advisory opinion and recommendations on the issue of Corporal Nevins' promotion status.

b. Corporal Nevins' request for removal of an Administrative Remarks page 11(b) entry dated 980322 be approved.

6. Point of contact is Mr. [REDACTED] at DSN 2 [REDACTED]

[REDACTED]  
[REDACTED]  
Head, Manpower Information Systems  
Field Support Branch  
Manpower Management Information  
System Division